

## **EXHIBIT A**

## INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP 03/13453

A. CLASSIFICATION OF SUBJECT MATTER				
IPC 7	C07C275/32	C07C275/42	C07C323/44	C07C275/40
	C07D295/08	C07C317/32	C07D295/12	C07C233/75
	C07C235/42	A61K31/16	A61P13/00	C07C237/40

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 C07C C07D A61K A61P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 00/50387 A (PACIFIC CORPORATION) 31 August 2000 (2000-08-31) cited in the application the whole document	1-23
P,A	WO 03/095420 A (BAYER AG) 20 November 2003 (2003-11-20) the whole document	1-23
P,A	WO 03/014064 A (BAYER AG) 20 February 2003 (2003-02-20) page 96, example 1-112; pages 112-114, examples 3-1 to 3-5; pages 120-123	1-23

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the International filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*Z\* document member of the same patent family

Date of the actual completion of the International search	Date of mailing of the International search report
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8 April 2004

20/04/2004

Name and mailing address of the ISA European Patent Office, P.O. Box 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Fax. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer
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Beslier, L

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## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/EP 03/13453

### Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:  

Although claims 21-23 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compound/composition.
2.  Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

- The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

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**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

PCT/EP 03/13453

Patent document cited in search report	Publication date		Patent family member(s)	Publication date
WO 0050387	A 31-08-2000	AU	763824 B2	31-07-2003
		AU	2697600 A	14-09-2000
		CA	2363531 A1	31-08-2000
		CN	1342138 T	27-03-2002
		EP	1154989 A1	21-11-2001
		JP	2002537373 A	05-11-2002
		WO	0050387 A1	31-08-2000
		KR	2001014495 A	26-02-2001
		US	6476076 B1	05-11-2002
WO 03095420	A 20-11-2003	WO	03095420 A1	20-11-2003
WO 03014064	A 20-02-2003	JP	2003055209 A	26-02-2003
		WO	03014064 A1	20-02-2003

## **EXHIBIT B**

## PATENT COOPERATION TREATY

PCT

REC'D 27 AUG 2004

WIPO PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

Applicant's or agent's file reference  RCK 39-WO Lin	FOR FURTHER ACTION  See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No.  PCT/EP03/13453	International filing date (day/month/year)  28/11/2003	Priority date (day/month/year)  06/12/2002
International Patent Classification (IPC) or national classification and IPC  C07C275/32		
Applicant  BAYER HEALTHCARE AG et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 2 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

I  Basis of the report

II  Priority

III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

IV  Lack of unity of invention

V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI  Certain documents cited

VII  Certain defects in the international application

VIII  Certain observations on the international application

Date of submission of the demand  07/06/2004	Date of completion of this report  23/08/2004
Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer  VERHULST W  Tel. (+49-89) 2399 2828



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No.

PCT/EP03/13453

**I. Basis of the report**

The basis of this international preliminary examination is the application as originally filed.

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been the subject of the international preliminary examination in respect of the claims which have not been searched (Article 17(2)(a) or (3) and Rule 66.1(e) PCT); see also international search report).

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability**

To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as defined in the independent claims, which have been the subject of an international search report, meets the criteria mentioned in Article 33(1) PCT, i.e. appears to be novel, to involve an inventive step and to be industrially applicable.